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EXAMINER

BHATIA, AJAY M

ART UNIT PAPER NUMBER

2145

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/881,331

Applicant(s)

BOARD ET AL.

Examiner

Ajay M Bhatia

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10-05-2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 06/13/01
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. Claims 1-42 are pending.
2. Claims 1-42 are rejected.

### ***Specification***

3. The abstract of the disclosure is objected to because it is more than 150 words in length. Correction is required. See MPEP § 608.01(b).
4. Explanation of Figure 10(e) is missing from Brief Description of the Drawing Figures or else where in the specification.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Langseth et al. (U.S. Patent 6,662,195, for the purposes of this office action referred to as Langseth) and Jamtgaard et al. (U.S. Patent 6,430,624 for the purposes of this office action referred to as Jamtgaard).

5. For claim 1, Langseth teaches, a network-based system for intercepting real-time data feeds from external data sources, stripping the intercepted feeds of user-ordered

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data and redirecting the stripped data to the requesting users over cooperating interfacing networks comprising:

Additionally, Langseth teaches, one or more server nodes connected to the network, at least one of which is input ported for receiving data feeds from the external data sources and output ported for rendering data stripped from the feeds to requesting users; (see Langseth, Col. 23 lines 34-40 and Col. 22 line 64 to Col. 23 line 10)

Additionally, Langseth teaches, one or more instances of software distributed to the one or more server nodes, the software for parsing data from the feeds received from the external data sources, (see Langseth, Col. 23 lines 34-40)

Additionally, Langseth teaches, the software also for accepting data about users and configuration data from users interfacing with the software by way of an Internet-capable appliance and supported platform; and (see Langseth, Col. 5 lines 1-8)

Additionally, Langseth teaches, a mass data storage repository accessible to the one or more server nodes, the data repository for storing data stripped from feeds provided by the external data sources and for storing user profile and account data, characterized in that users subscribing to a service enabled by the system may order and receive data stripped from the data feeds provided by the external data sources in a usable presentation format personalized to each user and rendered to each user through a

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particular cooperating interface network to the particular wireless communication device operated by individual ones of the users, the device configured for receiving the data.

(see Langseth, Col. 23 lines 34-40)

Langseth fails to teach, converting the data to a common markup language for internal processing, and for converting user-ordered data results expressed in the common markup language to appropriate interface formats for the requesting users,

Jamtgaard teaches, converting the data to a common markup language for internal processing, and for converting user-ordered data results expressed in the common markup language to appropriate interface formats for the requesting users, (see Jamtgaard, Col. 2 lines 63-67 and Col. 5 lines 60-64)

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the system of Langseth and the method of Jamtgaard because by using XML data format the content provider is able to control the "look and feel" of the data that is represented. (see Jamtgaard, Col. 2 lines 27-29)

6. For claim 2, the combination Langseth and Jamtgaard teach, the network-based system of claim 1, wherein the network is the Internet network. (see Langseth, Col. 14 lines 44-58)

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7. For claim 3, the combination Langseth and Jamtgaard teach, Langseth teaches, the network-based system of claim 2, wherein the cooperating interfacing networks include one or a combination of a paging network, a wireless network, and a wireless Internet service network. (see Langseth, Col. 14 lines 44-58)

8. For claim 4, the combination Langseth and Jamtgaard teach, the network-based system of claim 3, wherein the data feeds contained publicly oriented financial activity and news information. (see Langseth, Col. 14 lines 44-58)

9. For claim 5, the combination Langseth and Jamtgaard teach, the network-based system of claim 4, wherein the common markup language is eXtensible Markup Language. (see Jamtgaard, Col. 5 lines 60-64, RML is inherently eXtensible Markup Language)

10. For claim 6, the combination Langseth and Jamtgaard teach, the network-based system of claim 5, wherein the wireless communication devices configured for receiving the data rendered by the system are one of a one-way pager, a two-way pager, a hand-held computing device, or a Web enabled telephone. (see Langseth, Col. 9 lines 34-38)

11. For claim 7, the combination Langseth and Jamtgaard teach, the network-based system of claim 6, wherein the data received from external data sources is parsed and converted into eXtensible Markup Language before being converted to the appropriate

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data format before being rendered. (see Jamtgaard, Col. 2 lines 63-67 and Col. 5 lines 60-64, RML is inherently eXtensible Markup Language)

12. For claim 8, the combination Langseth and Jamtgaard teach, the network-based system of claim 7, wherein data rendered to users is of the form of alerts triggered through detection of specific and variable conditions associated with the data, the conditions configured into orders received from users. (see Langseth, Col. 3 lines 52-57)

13. For claim 9, the combination Langseth and Jamtgaard teach, the network-based system of claim 8, wherein data rendered to users further includes most recent real-time values associated with the requested data. (see Langseth, Col. 3 lines 25-27)

14. For claim 10, Langseth teaches, in a network-based-system for intercepting real-time data feeds from external data sources, stripping the intercepted feeds of user ordered data and redirecting the stripped data to the requesting users over cooperating interfacing networks, the system having one or more server nodes connected to the network, at least one of which is input ported for receiving data feeds from external data sources and output ported for rendering data stripped from the feeds to requesting users, a software application for managing the functions of the system is provided comprising:

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Additionally, Langseth teaches, a user-interface component for interfacing with users the purpose of accepting data about users and for accepting orders from users; (see Langseth, Col. 5 lines 1-8)

Additionally, Langseth teaches, a source-interface component for receiving data feeds from external data sources, parsing data feeds for data pertinent to user orders, and for directing the parsed data into a data repository; (see Langseth, Col. 23 lines 34-40)

Additionally, Langseth teaches, a database management component for managing database operations including associating appropriate data parsed through order to appropriate requesting users, characterized in a users interacting with the interface component of the software application may subscribe to the service enabled by the software, create a personal portfolio, and configure data alert and data presentation orders through the interface component for subsequent execution, processing, and rendering performed by the remaining components of the software application. (see Langseth, Col. 4 lines 40-48 and Col. 14 lines 44-67)

Langseth fails to teach, a data-conversion component for equating data expressed in formats used by external sources to a common markup language for internal processing and for equating data results expressed in the common markup language to appropriate data formats used by receiving devices operated by requesting users; a data-transport



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component for transporting processed data to requesting users for the output of the system; and

Jamtgaard teaches, a data-conversion component for equating data expressed in formats used by external sources to a common markup language for internal processing and for equating data results expressed in the common markup language to appropriate data formats used by receiving devices operated by requesting users; a data-transport component for transporting processed data to requesting users for the output of the system; and (see Jamtgaard, Col. 2 lines 63-67 and Col. 4 lines 58-63)

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the system of Langseth and the method of Jamtgaard because by using XML data format the content provider is able to control the "look and feel" of the data that is represented. (see Jamtgaard, Col. 2 lines 27-29) —————

15. For claim 11, the combination Langseth and Jamtgaard teach, the software application of claim 10, wherein the user-interface component is accessible through the Internet using an Internet-capable computing device, or via wireless data networks connected to the Internet. (see Langseth, Col. 4 lines 6-9 and Col. 9 lines 34-38)

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16. For claim 12, the combination Langseth and Jamtgaard teach, the software application of claim 11, wherein the Internet-capable computing device is a personal computer. (see Langseth, Col. 4 lines 6-9 and Col. 9 lines 34-38)

17. For claim 13, the combination Langseth and Jamtgaard teach, the software application of claim 11, wherein the Internet-capable computing device is a hand-held computer. (see Langseth, Col. 4 lines 6-9 and Col. 9 lines 34-38)

18. For claim 14, the combination Langseth and Jamtgaard teach, the software application of claim 11, distributed to a single server node in the case of one server node. (see Langseth, Col. 5 lines 17-32)

19. For claim 15, the combination Langseth and Jamtgaard teach, the software application of claim 11, distributed to more than one server node in the case of more server nodes. (see Langseth, Col. 5 lines 17-32)

20. For claim 16, the combination Langseth and Jamtgaard teach, the software application of claim 12, wherein data about users includes account data, contact data, device data, and portfolio data. (see Langseth, Col. 19 lines 24-34, Col. 4 lines 42-47 and Col. 4 lines 5-9)

21. For claim 17, the combination Langseth and Jamtgaard teach, the software application of claim 16, wherein orders from users include conditional alert orders, time-sensitive alert orders, and event-driven alert orders. (see Langseth, Col. 3 lines 52-57)

22. For claim 18, the combination Langseth and Jamtgaard teach, the software application of claim 17, wherein the source-interface component cooperates with the data-conversion component to affect data conversion before directing the parsed data into the data repository. (see Langseth, Col. 23 lines 34-40)

23. For claim 19, the combination Langseth and Jamtgaard teach, the software application of claim 18, wherein the user-interface component cooperates with the data-conversion component to affect data conversion to data about users before storing the data and to order data before storing and initiating execution of the data orders. (see Langseth, Col. 23 lines 34-40)

24. For claim 20, the combination Langseth and Jamtgaard teach, the software application of claim 19, wherein the data-conversion component converts data results from the common markup language to the appropriate data formats before initiating the data-transport component for delivering the data. (see Jamtgaard, Col. 2 lines 48-59)

25. For claim 21, the combination Langseth and Jamtgaard teach, the software application of claim 20, wherein orders from users received through the user-interface

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component result in periodic data pushes to the device of the requesting user. (see Langseth, Col. 23 lines 20-23)

26. For claim 22, the combination Langseth and Jamtgaard teach, software application of claim 21, wherein orders are received through bi-directional interface with the data-transport component, the orders comprising on-demand orders. (see Jamtgaard, Col. 2 lines 40-47)

27. For claim 23, Langseth teaches, a method for receiving real-time data feeds from data sources accessible through data connection, parsing and stripping the feeds for data portions for redirection to requesting users connected by data link comprising steps of:

Additionally, Langseth teaches, (b) parsing a data feed identified in the received order, the data feed continually tapped by the service and the parsing performed to identify data in the feed that is requested by the order; (see Langseth, Col. 23 lines 34-40)

Additionally, Langseth teaches, (c) stripping the portions of data from the data feed according to instructions contained in the order; (see Langseth, Col. 23 lines 34-40)

Additionally, Langseth teaches, (e) transporting the requested data to the user back over the data link. (see Langseth, Col. 5 lines 24-32)

Langseth fails to teach, (a) receiving an order for data from a user, the user sending the order through the data link;

Langseth fails to teach, (d) associating the stripped portions of a data to the author of the order for the data; and

Jamtgaard teaches, (a) receiving an order for data from a user, the user sending the order through the data link; (see Jamtgaard, Col. 7 lines 13-14)

Additionally, Jamtgaard teaches, (d) associating the stripped portions of a data to the author of the order for the data; and (see Jamtgaard, Col. 7 lines 20-25)

It would be obvious to one of ordinary skill in the art at the time of the invention to combine the system of Langseth and the method of Jamtgaard because by using XML data format the content provider is able to control the "look and feel" of the data that is represented. (see Jamtgaard, Col. 2 lines 27-29)

28. For claim 24, the combination Langseth and Jamtgaard teach, the method of claim 23, wherein the data connection to the external sources comprises the Internet network and the data link comprises a wireless data link facilitated by a wireless service carrier. (see Langseth, Col. 5 lines 1-8 and Col. 4 lines 5-10)

29. For claim 25, the combination Langseth and Jamtgaard teach, the method of claim 24 wherein in step (a), the data link is one of a wireless data link, a pager network data link, or a wireless Internet data link. (see Langseth, Col. 4 lines 5-10)

30. For claim 26, the combination Langseth and Jamtgaard teach, the method of claim 24 wherein in step (a), the order is an on-demand order initiated through one of a one-way pager, a two-way pager, a handheld computing device, or the Web enabled wireless telephone. (see Langseth, Col. 4 lines 5-10)

31. For claim 27, the combination Langseth and Jamtgaard teach, the method of claim 26 wherein in step (b), the data feed contains market activity information and the order requests the most current activity values associated with specific instruments reported by the feed. (see Langseth, Col. 3 lines 25-28 and Col. 14 lines 44-58)

32. For claim 28, the combination Langseth and Jamtgaard teach, a method of claim 27 wherein in step (b), the data feed contains market news information and the order requests the most current news summaries as reported by the feed. (see Langseth, Col. 4 lines 42-47 and Col. 14 lines 44-58)

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33. For claim 29, the combination Langseth and Jamtgaard teach, the method of claim 26, wherein in step (c), instructions contained in the order pertain to one or more instruments generic to the data feed. (see Langseth, Col. 23 lines 34-40)

34. For claim 30, the combination Langseth and Jamtgaard teach, the method of claim 26, wherein steps (a)-(e) are repeated a plurality of times during one session on behalf of one user engaging in the session. (see Jamtgaard, Col. 5 lines 45-53)

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31-42 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Langseth et al. (U.S. Patent 6,662,195).

35. For claim 31, Langseth teaches, a method for generating and transmitting user alerts associated with current states and conditions of data contained in real-time data feeds intercepted on behalf of users by a network-based data interception and redirection service comprising steps of:

(a) receiving at the service a configuration order sent by a user the order identifying specific alert criteria and received by the service over a data link connecting the service to the user; (see Langseth, Col. 5 lines 1-8)

(b) monitoring one or more real-time data feeds identified in the configuration order received at step (a), the monitoring performed to identify the data in the feed which is identified in the configuration order and also the current state and condition of the identified data; (see Langseth, Col. 23 lines 34-40)

(c) comparing the alert criteria specified in the configuration order to the identified state and condition of the associated data; and (see Langseth, Col. 5 lines 17-32)

(d) upon determining that the current state and condition of the associated data meets the alert criteria specified in the configuration order, generating and transmitting an associated alert or alerts to the author of the configuration order. (see Langseth, Col. 23 lines 34-40)

36. For claim 32, Langseth teaches, the method of claim 31, wherein the network-based data interception and redirection service is implemented on Internet network. (see Langseth, Col. 14 lines 44-58)



37. For claim 33, Langseth teaches, the method of claim 32, wherein the data interception and redirection service utilizes interfacing wireless networks to transmit alerts to wireless devices using a push technology. (see Langseth, Col. 23 lines 20-23)

38. For claim 34, Langseth teaches, the method of claim 33 wherein in step (a), the data link connecting the service to the user is an Internet link and the device used to initiate the configuration order is a personal computer. (see Langseth, Col. 5 lines 1-8)

39. For claim 35, Langseth teaches, the method of claim 34 wherein in step (b), the real-time data feeds report traded financial instruments and current market states and conditions of those instruments. (see Langseth, Col. 3 lines 25-27 and Col. 23 lines 20-23)

40. For claim 36, Langseth teaches, the method of claim 35 wherein in step (b), monitoring of the feeds occurs periodically as specified by the configuration order. (see Langseth, Col. 23 lines 20-23)

41. For claim 37, Langseth teaches, the method of claim 36 wherein in step (c), comparison of alert criteria to state and condition of associated data is performed at each periodic interval of monitoring. (see Langseth, Col. 3 lines 48-60)

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42. For claim 38, Langseth teaches, the method of claim 37 wherein in step (d), transmission of a generated alert or alerts is conducted through an interfacing wireless network to a configured wireless device adapted to receive the alert or alerts. (see Langseth, Col. 4 lines 5-10)

43. For claim 39, Langseth teaches, the method of claim 38 wherein in step (d), the wireless device is a one-way paging device and interfacing network is a pager network. (see Langseth, Col. 4 lines 5-10)

44. For claim 40, Langseth teaches, the method of claim 38 wherein in step (d), the wireless device is a two-way paging device. (see Langseth, Col. 15 lines 55-60)

45. For claim 41, Langseth teaches, the method of claim 38 wherein in step (d), the wireless device is a Web enabled telephone and interfacing network is a wireless network. (see Langseth, Col. 15 lines 55-60)

46. For claim 42, Langseth teaches, the method of claim 38 wherein in step (d), a wireless device is a handheld computing device and interfacing network is a wireless Internet network. (see Langseth, Col. 15 lines 55-60)

### ***Conclusion***

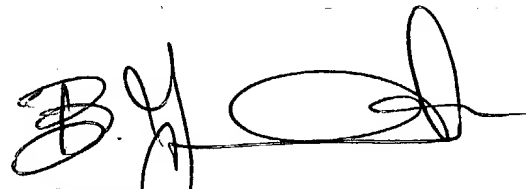
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ajay M Bhatia whose telephone number is (571)-272-3906. The examiner can normally be reached on M-F 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571)-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB



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PRIMARY EXAMINER